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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**JOINT STIPULATION REGARDING
SCHEDULE AND PROCEDURES FOR
POST-TRIAL MOTION FOR
ATTORNEY'S FEES; [PROPOSED]
ORDER**

Judge: Hon. William H. Orrick

1 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 Pursuant to Civil Local Rule 7-12, Plaintiff Owen Diaz (“Plaintiff”) and Defendant Tesla,
4 Inc. (“Defendant”), by and through their attorneys of record, hereby submit this Joint Stipulation
5 Regarding Schedule for Plaintiff’s Motion for Attorney’s Fees.

6 **WHEREAS**, on October 19, 2021, the Court entered Judgment in this matter following a
7 verdict in a jury trial (Dkt. 307), which triggered the deadline for the parties to file various post-
8 trial motions;

9 **WHEREAS**, Plaintiff intends to file a motion for attorney’s fees and costs pursuant to 42
10 U.S.C. § 1988;

11 **WHEREAS**, Defendant filed motions under Federal Rules of Civil Procedure 50(b) and
12 59 (Dkt. 317);

13 **WHEREAS**, on April 13, 2022, the Court denied Defendant’s Motion for Judgment as a
14 Matter of Law, and conditionally denied Defendant’s Motion for a New Trial subject to Diaz
15 accepting a remittitur to \$1.5 million in compensatory damages and \$13.5 million in punitive
16 damages (Dkt. 328);

17 **WHEREAS**, the Court gave Plaintiff 30 days to accept or reject the remittitur, and stated it
18 would enter an amended judgment if Plaintiff accepts the remittitur (*id.*);

19 **WHEREAS**, based on a stipulation of the parties, the Court previously ordered (Dkt. 315)
20 that Plaintiff must file any motion for attorney’s fees “21 days after the date of the Court’s entry of
21 its order resolving Defendant’s consolidated motion”;

22 **WHEREAS**, the current deadline for Plaintiff to file his motion for attorney’s fees, May 4,
23 2022, falls before his deadline to accept or reject the remittitur, May 13, 2022;

24 **WHEREAS**, if Plaintiff were to reject the remittitur, the filing of a motion for attorney’s
25 fees would be moot, and in any such motion for attorney’s fees, Plaintiff may need to reveal
26 certain work product by providing detailed accounts of his attorney’s time, thereby potentially
27 prejudicing him on any retrial of the case;

28

[PROPOSED] ORDER

Based upon the Parties' Stipulation, and good cause having been shown, **IT IS HEREBY
ORDERED THAT:**

4 (1) Plaintiff's deadline to file any motion for attorney's fees pursuant to 42 U.S.C. §
5 1988 shall be 21 days after entry of an anticipated amended judgment.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2022

Hon. William H. Orrick

DECLARATION OF CONSENT

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that I obtained concurrence in the filing of this document from above-listed counsel for Defendant Tesla, Inc., which shall serve in lieu of their signature on the document.

Dated: April 22, 2022

By: /s Lawrence A. Organ

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Attorneys for Plaintiff OWEN DIAZ